THE TASK FORCE'S FINAL REPORT TO THE KING COUNTY EXECUTIVE

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THE TASK FORCE'S FINAL REPORT TO THE KING COUNTY EXECUTIVE

EXECUTIVE SUMMARY

When King County Executive Ron Sims appointed the Independent Task Force on Elections last spring, he requested that the Task Force reconvene approximately six months after completing its work to assess King County's progress in restoring public trust and confidence in its elections system. The Task Force completed its initial work at the end of July 2005 when it submitted to Mr. Sims fifteen recommendations for improving King County's elections system.

This report constitutes the conclusion of the Task Force's process. It summarizes the recommendations that were included in the Task Force's 27 July 2005 report, and contains the Task Force's February 2006 findings and recommendations, which reflect the Task Force's assessment of what has occurred to implement the original recommendations in the six months since they were presented to the Executive.

As was the case last July when we presented our original set of recommendations, the Task Force offers the following updated recommendations in the interest of restoring public trust and confidence in King County's elections system.

The Task Force's Six-Month Recommendations:

- The King County Executive and Council should join together to provide the leadership and sustained effort that is required to restore public trust and confidence in the County's elections system.
- 2. The public should become engaged in and vigilant about reforming the County's elections system to ensure the system is fair, inclusive, equitable and transparent, and produces accurate results.
- 3. To improve the quality of its performance and thus regain public trust and confidence in King County's elections system, the Records, Elections and Licensing Services (REALS) Division must continue the progress it has made in the past six months to improve the technical operations of elections and its organizational culture. More needs to be done. A "turnaround team" as originally conceived and defined by the Task Force last July is no longer needed. But the Task Force strongly urges the King County Executive and Council to immediately hire an outside, independent consultant team to guide, coach, mentor and

partner with the management and staff of REALS to continue the work underway to transform the agency's culture. This remains the principal strategy for improving performance and restoring public trust and confidence in the County's elections system.

- 4. The King County Charter Review Commission, which will be convened this year, should facilitate a public debate about whether a County Auditor with oversight of the elections office should be elected by King County voters.
- 5. King County should implement a vote-by-mail system in 2007. As part of that reform, the County should convince the State Legislature to require that all ballots, except those from the military and out-of-state, must be received by the elections office no later than 8 p.m. on Election Day. In implementing an election reform package, the County needs to conduct an extensive, creative public education campaign to prevent voters from being disenfranchised.
- 6. In conducting recounts of votes in close races, King County should work with the affected candidates to ensure the process is transparent, understandable and credible to the public so that the final outcome is accepted as fair and accurate. If the parties cannot agree on a process, King County should allow two observers to sit at or stand next to each table where votes are being counted so that they can clearly and accurately monitor the proceedings.
- 7. While the State Legislature is to be commended for moving the primary election date from the third Tuesday of September to the third Tuesday of August, the best interests of citizens and election administrators would be served by holding the primary in June. King County, in partnership with the Secretary of State's Office, elections administrators and other counties, should propose this change to the State Legislature in the future.
- 8. King County should work with stakeholders locally and across the state, particularly representatives of special taxing districts—School Districts and Fire Districts—to develop a proposal that reduces the number of elections held each year from six to four. This proposal needs to achieve the interests of the public and all the affected parties. The County and these stakeholders should then proceed to Olympia to convince the Legislature to adopt their consensus proposal.
- 9. The Task Force strongly recommends that Washington State automatically restore the voting rights of former felons upon their release from incarceration. This change will achieve five broad public interests: help restore public trust and confidence in elections by creating a clear, bright line that distinguishes who has the right to vote from those who do not; protect the civil rights of Washington State residents; integrate former felons into society by giving them a voice in decisions affecting their communities; treat all former felons living in Washington State the same; and save taxpayer dollars.
- 10. Washington State's legislature should change current law to require one recount that is conducted by hand. King County should keep this proposal at the top of its legislative agenda and work with key stakeholders, including the Secretary of State and the Washington State Association of County Auditors, to secure the State Legislature's passage of this change.

THE TASK FORCE'S FINAL REPORT TO THE KING COUNTY EXECUTIVE

When King County Executive Ron Sims appointed the Independent Task Force on Elections last spring, he requested that the Task Force reconvene at an appropriate interval after completing its work to assess King County's progress in restoring public trust and confidence in its elections system. The Task Force completed its initial work at the end of July 2005 when it submitted to Mr. Sims fifteen recommendations for improving King County's elections system.

This report constitutes the conclusion of the Task Force's process. It summarizes the recommendations that were included in the Task Force's 27 July 2005 report, and contains the Task Force's February 2006 findings and recommendations, which reflect the Task Force's assessment of what has occurred to implement the original recommendations in the seven months since they were presented to the Executive.

A BRIEF REVIEW OF TASK FORCE'S WORK IN 2005

The ten members of the King County Independent Task Force on Elections were appointed by King County Executive Ron Sims in April 2005 to: 1) recommend short- and long-term strategies to improve the County's elections processes; 2) help restore public confidence and trust in the County's elections system; and 3) produce a set of recommendations that could help build a foundation for King County to have a model elections system in the country.

Before developing recommendations, the Task Force conducted extensive fact-finding consisting of interviews of current and former elected officials, current and former employees of King County's elections office, and representatives of business, labor, education, civic organizations and the media; a survey of the employees of King County's elections office (in which more than 70% of the office staff participated); review of documents such as policies, reports, training manuals and depositions; inspections of facilities and equipment; and the deliberations of the Task Force and its committees.

From its fact-finding, the Task Force learned that the standard sought by most people is not a perfect election. Rather, individuals interviewed expect elections in which the results are accurate, elections in which the public believes that the process of voting was easy and fair and the outcomes are reliable. When mistakes are made, as is inevitable with any complex, highly technical process involving human beings, the public expects that mistakes will be detected and corrected, and that those operating the system will be forthright and candid about the mistakes and what is needed to fix them.

Based on the interviews of community leaders and citizens that were conducted in April and May 2005, the Task Force identified five preeminent interests that unite the County's citizens: 1) restore public trust and confidence in the elections process; 2) make the voting process less complicated; 3) provide

substantive and perceived fairness to all citizens, including voters, candidates and political parties; 4) promote accurate results in a manner that allows the public to hold King County elected or appointed officials accountable; and 5) ensure that solutions work over the long-term regardless of the person or political party in power.

In spring and summer 2005 many citizens perceived that these interests were not being achieved. They told the Task Force that they were no longer certain their votes count, a fact that had shaken their faith in the franchise of voting, the very hallmark of democracy. The political parties, people who identified themselves as members of those parties and independent voters did not feel well served by King County's elections system. Many of the people to whom Task Force members spoke said that we owe it to our children and to all future voters to create a system in which they can have faith, and that safeguards the right to vote as well as each person's vote.

On 27 July 2005 the Task Force submitted its Report and Recommendations to the King County Executive. Its recommendations addressed the immediate and urgent issues of the failure of leadership and organizational culture, and longer-term public concerns about the accountability for elections and the statutory and policy environment under which Washington State and King County elections officials operate.

FEBRUARY 2006 FINDINGS AND RECOMMENDATIONS

To complete its obligations, the Task Force reconvened in February 2006 to assess King County's progress in restoring public trust and confidence in the elections system. The Task Force reviewed documents and conducted interviews to analyze King County's progress in implementing its fifteen recommendations. Besides focusing on the recommendations and changes in the technical operations of King County's elections, the Task Force inquired about and looked for examples of improvements in the organizational culture of the County's elections office. The Task Force also sought to ascertain the role of the County Executive in providing the leadership needed to restore public trust and confidence in King County's elections system.

In this section of the Task Force's "Final Report to the King County Executive," the Task Force's July 2005 recommendations are restated and the rationale for each is capsulized. Immediately following these summaries are: 1) the Task Force's findings regarding what has occurred since then to implement each recommendation; and 2) updated recommendations based on its most recent findings.

THE LEADERSHIP/ACCOUNTABILITY RECOMMENDATION TO THE KING COUNTY EXECUTIVE

In its report last July the Task Force identified three key findings related to leadership and accountability: 1) responsibility and public accountability for the conduct of elections resides with the King County Executive; 2) as the direct result of significant performance and accountability failures in the 2000, 2002 and 2004 elections, the public has lost confidence in the elections process; and 3) these performance failures are symptomatic of long-standing organizational and cultural problems within King County and the Elections Section. The Task Force stated that King County's inconsistent results in correcting these problems represent a failure of leadership and a breakdown in accountability.

Based on these findings, the Task Force's principal recommendation was:

1. An independent, external turnaround agent is needed to change King County's seriously flawed organizational culture.

The Task Force recommended that the King County Executive hire an outside organization with expertise in organizational "turnarounds" to lead the transition to a new agency culture, including making critical improvements in the elections system, and that to be effective, the turnaround team report directly to the King County Executive and include elections administration professionals. The Task Force also proposed that changing King County's organizational culture should involve: 1) conducting an initial assessment of individual and organizational strengths, weaknesses and opportunities for growth; 2) establishing accountability for managers and staff; and 3) developing a "turnaround plan" that "maps" specific goals to be achieved by the end of 2006 and the actions needed to achieve them.

In addition, the Task Force recommended that these goals be achieved over time: 1) create a new culture; 2) establish a vision for King County Elections; 3) develop a strategic business plan; and 4) adopt improved policies and procedures. Finally, the Task Force recommended that improving the organizational culture must be made the responsibility of all employees, including temporaries, by involving them in the development and implementation of the turnaround plan.

SIX-MONTH FINDINGS:

The Elections Office's Culture is Improving But This Work Must Continue.

Upon receiving the Task Force's 27 July 2005 report, Executive Sims endorsed the Task Force's recommendation to hire a turnaround team and place it in charge of the elections office. In early August he hired the Task Force's Chief of Staff to conduct the nation-wide search for the turnaround team. In late September the hiring process was reopened when the panel of reviewers decided that none of the proposals merited further consideration. By late October the second round of the hiring process resulted in the selection of Waldron & Company, a Seattle-based consulting firm. In a departure from the Task Force's recommendation, Waldron & Company did not include elections administration professionals on its project team. Instead, the project manager proposed that her team first conduct the assessment envisioned by the Task Force and then tailor its selection of elections administration expertise to the findings and conclusions of the assessment. The interview panel that recommended to the County Executive that he hire Waldron & Company concurred with this approach.

As the County Executive insisted, the team was in place to observe the 8 November 2005 general election. By this date the Waldron & Company team had conducted initial interviews with Dean Logan, director of REALS, and the members of his management team. Shortly after the general election the team also conducted two meetings of the Elections Section staff in which they articulated their approach, answered questions and solicited ideas and suggestions from the employees.

Based on its initial interviews and observations, the Waldron team suggested that the elections office had improved the technical conduct of elections, as evidenced by the outcomes of the September 2005 primary and the November 2005 general elections, and was addressing some of the agency's organizational culture issues. Therefore, the members of the turnaround team characterized themselves as "organizational effectiveness consultants" rather than a turnaround team. While concluding that more significant cultural changes were still required to improve the agency's performance, the members of the Waldron & Company team modified their approach from one in which they would take charge of the organization to one in which they would serve as partners with the elections office's management and staff to improve the agency's culture. The County Executive and his staff supported this modification, although the Executive still expected to have direct communication with the Waldron team.

In late autumn the King County Council began expressing concerns about hiring outside consultants to help improve the agency's culture. The Council's three primary concerns appeared to be: 1) the projected cost; 2) the scope of work; and 3) the team's authority.

Regarding the first two concerns, the Council questioned if improvements in the technical operations of the September and November 2005 elections might indicate that the scope and cost of Waldron & Company's services are too extensive. Regarding the last concern, the Council questioned if placing an outside turnaround team in charge of a County agency would conflict with the King Country Charter, particularly if the team's leader was not confirmed by the Council in similar fashion to the Council's confirmation of the Executive's nominees for department directors, including the director of REALS.

Because of these concerns, the Council did not act on the Executive's request for \$500,000 to initiate the work of Waldron & Company. The executive branch paid Waldron for its initial assessment and funded the team to produce a document synthesizing the recommendations of the Independent Task Force on Elections and two Council-appointed groups, the Citizens' Election Oversight Committee (CEOC) and an audit team, that also analyzed the elections systems. The Waldron & Company report that synthesizes the three groups' recommendations and presents its observations of the November 2005 general election was submitted to the Executive on 25 January 2006. As of mid-February the Waldron team is in contact with the leadership of REALS and Executive Office staff but is not working on any assignments.

In December 2005 and February 2006, Executive Sims announced his support for transitioning King County to all-mail balloting in 2006 or 2007. He has stated that this effort will require cultural change within the elections office, including revising job descriptions, clarifying expectations of employees and ensuring that the right people are in the right jobs. In February or March 2006 the Executive will submit to the Council a more detailed budget proposal to begin the effort to transition to a vote-by-mail system. This proposal will include funding for organizational excellence consultants to work with the leadership and staff of the Elections Section on improving the organization's culture. It is also possible that the consultants will help define job expectations for new managers and staff and manage the process by which they are hired. This area is one of Waldron & Company's specializations.

During the past six months the leaders of REALS have taken steps to improve the culture of the elections office to achieve the goals of increasing productivity, accountability and the staff's ownership of and responsibility for solving problems. Here are examples of what has been undertaken:

- Planning meetings are more formally structured to include representatives of each unit within the Elections Section and a mix of managers and staff. These meetings are held weekly, which is more frequent and consistent than in the past. They are structured to allow the participants to more proactively anticipate and solve problems.
- Every morning each unit in the Elections Section begins its day with a ten-minute "huddle" in which employees exchange information and share with each other what they are doing during the day.
- The agency has fourteen more employees than one year ago, including two Quality Assurance staff members who recommend to staff changes in their approaches to work to increase productivity and efficiency, and a training coordinator who administers employee training and a new employee orientation program.
- All supervisors and managers are now evaluated according to personalized "performance accountability plans." These plans define the expectations of the organization for each person in management and are continually monitored through discussions between each manager and the Assistant Director of REALS. Performance evaluations will be based on the success of managers and supervisors in achieving their goals.

 On a semi-weekly basis Dean Logan sends an email newsletter to all staff updating them on key issues and developments, and providing information intended to enable them to more effectively perform their duties.

SIX-MONTH RECOMMENDATION:

The Executive and Council Should Immediately Hire an Outside, Independent Team to Help Transform the Elections Office's Culture.

The Task Force concludes that the management of the REALS Division, supported in late autumn and early winter by Waldron & Company, is moving in the right direction as it addresses both technical operations and the agency's culture. But more needs to be done to restore public trust and confidence in King County's elections system and to make the elections office a national role model as envisioned by the County Executive.

Smoothly operated elections in late 2005 and early 2006 at the county, city and special purpose district levels do not mean that the problems cited by the Task Force, CEOC, audit team, Waldron & Company and the director of REALS are completely resolved. Those who assume that the first wave of technical improvements has resolved all the problems with King County's elections system and the myriad of challenges faced by REALS need to recall the elections of 2004, 2002 and 2000. Elections conducted during those years revealed significant problems in the system. Because efforts were made to address them, the assumption that the system was fixed became the conventional wisdom. But the problems of 2004 were different from those of 2002, just as the problems of 2002 differed from those of 2000. This strongly indicates that the County lacked a comprehensive plan to reform the election process, the political unity and fortitude needed to sustain the reform effort, a culture of accountability, accuracy and customer service within the elections office, and the resources required to ensure that both cultural and technical problems were fixed.

The goal of transforming the elections office's culture is to improve performance. Cultural change is a way to ensure that there is an environment of early problem identification, of continuous problem solving, of continual process improvement, of transparency and of individual accountability. In so strongly recommending that King County "turn over every stone" to transform the culture of the elections office, the Task Force envisions the day when these qualities and characteristics are both the "core" values of every person working in the elections office and the measurements for demonstrating the agency's improved performance. The Task Force believes cultural change is the "road map" to an elections system that enjoys the trust and confidence of every voter.

Changing the culture of an organization requires a long-term vision, an eighteen-month to three-year plan and sustained investments that match resources to problems, challenges and opportunities. For example, in its report the Waldron & Company team stated that there are currently sixteen vacancies in key positions within the agency, including the position of Superintendent of Elections. The Waldron team also found that the staff continues to suffer "battle fatigue" from the 2004 gubernatorial election, the Court challenges in its aftermath and the grueling pace of work required to successfully administer the 2005 elections. These are not problems that will be fixed overnight. The County needs to understand the reasons for these vacancies, whether the job descriptions and expectations are still relevant or need to be changed to reflect new conditions, and what kinds of resources are needed to recruit, hire and maintain qualified employees. Likewise, strategic decisions must be implemented to address "battle fatigue" even as the elections office staff prepares for the elections of 2006, which includes the contest for a United States Senate seat that many pundits predict could be as close as the 2004 gubernatorial race or the 2000 senatorial contest.

It will take time to cultivate and ingrain the shared values, beliefs, attitudes and practices—not just within the Elections Section but also between the staff and the agency's stakeholders—that will produce cultural

change and make it stick. King County made a promising start by welcoming an outside catalyst for change, Waldron & Company, to work with the management and staff of REALS. And the Waldron team, armed with goodwill and an impartial perspective, demonstrated through its initial engagement that external leverage is essential to transform the agency.

King County must be careful not to lose the momentum that has been generated nor squander the investment that has been made. A "turnaround team" as originally conceived and defined by the Task Force last July is no longer needed. But the Task Force is deeply concerned that the hiring of an outside, independent consultant team to guide, coach, mentor and partner with the management and staff of REALS has not yet occurred and now appears to be stalled.

The Task Force strongly recommends to the King County Executive and County Council members that they act with urgency to reach agreement on a funding package for Waldron & Company. In partnership with the management and staff of REALS, the Waldron team was making progress in addressing the cultural issues that the Task Force and others have said need to be resolved. The team was working with the director of REALS to develop a scope of work that outlines its services and defines its deliverables as partners, coaches and mentors rather than as a turnaround team.

The County's elected officials need to let them proceed with deliberate speed to finish this product and begin implementing it. The Task Force advises the Executive and Council to expect that the consultant team will be needed for twelve to twenty-four months. The Task Force recommends that the County's elected officials support the work of the consultant team for that period, and support the effort of the leaders and employees of REALS for even longer in their pursuit of cultural change that produces improved performance and public trust and confidence in the County's elections system.

STATUTORY AND POLICY RECOMMENDATIONS TO KING COUNTY

Given the breadth and depth of citizen concerns about King County's elections system that the Task Force uncovered last spring, the Task Force concluded that dramatic change was warranted, including a demonstrable increase in accountability. The Task Force therefore proposed three statutory and policy recommendations.

2. Consider a long-term change in elections governance and accountability.

In 2005 the Task Force found that King County is the only county in Washington that does not place the administration of elections under the direct supervision of a separately elected official, usually an elected Auditor.

One of the Task Force's concerns about maintaining King County's current structure of an appointed director of REALS within the Executive Branch was that the Elections Section must compete for resources against the other sections of the REALS Division, the other programs within the Executive Services Department, and all other departments throughout County government that are funded by King County's general expense fund. A number of people the Task Force interviewed, including some current and former elected officials, advocated maintaining the County's structure on the premise that appointed officials are more professional, have greater managerial and technical experience in complex elections processes and procedures, and are immediately accountable to the County Executive if significant problems arise. But the Task Force concluded that an official elected in a non-partisan race with primary responsibility for conducting elections would increase accountability to citizens, be better able to educate

and encourage citizens to participate fully in the electoral process, be a more effective advocate for improved technology and resources, and establish an independent elections system.

SIX-MONTH FINDINGS:

The Charter Review Commission is the Likely Forum for the Public Debate about Electing an Auditor with Oversight of the Elections System.

Neither the King County Executive nor Council has acted to advance this recommendation. Some of them may oppose it.

The issue of electing the Auditor, and whether that position would be partisan or non-partisan, is likely to be a subject of public debate in 2006 when the King County Charter Review Commission is convened. That topic is expected to be one of the issues on the Commission's agenda, along with revisiting the election of the King County Sheriff and whether or not the Executive and Council should be non-partisan officials.

SIX-MONTH RECOMMENDATION:

The Charter Review Commission Should Facilitate that Public Debate about Electing an Auditor.

The Task Force finds that the Charter Review Commission's process is an appropriate forum to discuss and debate in 2006 the issue of whether the voters of King County should elect an Auditor who oversees the County's elections system. We recommend that when that Commission begins to formulate its agenda, the members put this issue on it. They should consciously and strategically facilitate a public discussion of the merits and detriments of the proposal.

3. Institute vote-by-mail and regional voting centers in 2006.

Last July the Task Force recommended to the Executive that King County establish all-mail balloting beginning in 2006 because vote-by mail: is already prevalent in King County; is increasingly favored by voters; provides significant cost-savings; and stimulates higher turnout among voters, particularly in elections where voters are asked to vote on funding for schools and fire districts.

In addition, the Task Force recommended that because of the high price we pay for neighborhood polling places, including the greater likelihood for errors because of the involvement of hundreds of people, many of whom are volunteers, King County eliminate polling places and establish four to six regional voting centers. Finally, the Task Force proposed that King County establish drop off boxes throughout communities to make it convenient for last-minute voters to deposit their ballots on Election Day.

The King County elections process basically involves the simultaneous conduct of two dissimilar elections. Increasingly, a majority of King County voters (565,011 or slightly more than 62% in 2004) uses the permanent absentee or vote-by-mail process. Despite this fact, the County also conducts a traditional election involving about 330,000 voters assigned to over 2500 precincts and 540 individual polling places, and the use of hundreds of temporary election workers who must be trained and who work at the polling places for more than thirteen hours on election days. Both elections processes contain independent, complex and often conflicting requirements that have clearly caused significant problems

for King County elections officials. Having one means of voting for all citizens is both more efficient and cost effective.

Except for Oregon, which now votes exclusively by mail, no other state that we examined has such a high percentage of residents who vote permanently by mail. Those states that have high numbers of people who permanently vote by mail no longer have a large number of polling places or devote so much money to voting machines and other technology that enables polling places to function. King County devotes millions of dollars to manage and maintain two separate elections systems for every election, an incredibly costly effort that still appears insufficient.

During its 2005 Session, the State Legislature provided county elections administrators with the authority to replace polling places with vote-by-mail elections. Currently, approximately 30 out of 39 Washington counties their elections by mail. Since implementing vote-by-mail for all elections over a decade ago, Oregon has found that voter participation has increased significantly in local elections, and that the first two presidential elections conducted exclusively by mail produced extraordinary turnouts.

SIX-MONTH FINDINGS:

The Executive's Vote-By-Mail Proposal Reflects the Task Force Recommendation.

Executive Sims embraced the Task Force's recommendation in December 2005 when he announced that King County would transition to a vote-by-mail system. He was joined by two Council members, Julia Patterson and Bob Ferguson, when making the announcement. On 31 January 2006 Dean Logan released "King County Elections Moving to Vote By Mail: Report to the King County Executive." Ten days later the Executive and Dean held a press conference to reiterate their intention to institute this system in late 2006 or 2007.

While many of the details need to be worked out, the framework of the Executive's proposal is consistent with the recommendations of the Task Force. For example, like the Task Force's recommendation, the Executive's proposal calls for regional voting centers to accommodate the needs of voters with disabilities and the interests of voters who prefer to vote at a polling place. The Executive and his staff are working with key stakeholders, such as representatives of disability communities, political parties, the League of Women Voters, other voter advocacy organizations and the division's employees, to determine the number of regional voting centers and other details.

Like the Task Force's discussions about vote-by-mail, the Executive's proposal will also address issues such as ballot tracking (to enable electronic tracking to determine that ballots have been delivered, received, processed and counted), automated signature verification (to ensure that signatures on file match those on the ballot) and steps to prevent a voter from casting more than one ballot.

While the Executive shares the Task Force's interest in moving quickly to implement this system, there are steps outside the County's control that must be taken or put into place before King County can fully implement it, and these could cause vote-by-mail to be implemented in 2007 rather than later this year. Some federal and state policies and procedures must be changed to enable the County to switch. The Executive's staff is working with the Washington State Association of County Auditors, the Secretary of State, key legislators and representatives of the federal government to coordinate the changes and pave the way for King County to switch to all-mail balloting. The County is also working with vendors to ensure that the high-speed centralized tabulation equipment is available, tested and certified through the federal and state voting system certification process prior to implementation of vote-by-mail. Until now some vendors have not offered this system; following discussions with King County, Diebold, the County's vendor, is working to develop and perfect the system so that it can be a key element of the County's vote-by-mail system.

As the Executive stated in his early February press conference, King County, the nation's twenty-fifth largest county, will be the largest county to conduct its elections almost entirely by mail. Interestingly, a number of counties in California of similar size, such as Los Angeles, San Diego and San Bernardino, are closely watching King County's experience. Some local elected officials in California have indicated that if King County is successful, they will use the County as a model to lobby the California Legislature to authorize them to conduct their elections by mail.

SIX-MONTH RECOMMENDATION: King County Should Implement Vote-By-Mail in 2007.

Task Force members find that the King County Executive's proposal to institute a vote-by-mail system in King County either later this year or in 2007 is a good faith effort to implement our recommendation.

While we originally recommended instituting the system in 2006, we now conclude that the County would be more prudent and responsible by implementing vote-by-mail in 2007. There are three reasons for revising our recommendation: 1) The factors that are beyond the County's control may not be resolved by the end of this year. Waiting until they are resolved means that the system can be instituted with fewer problems and mistakes, which will increase public confidence. 2) There is an advantage to testing the new system when there are no statewide, congressional or countywide elections. Thus, waiting until next year would mean testing the system on a smaller scale and could more effectively prepare voters and County elections administrators for the presidential and gubernatorial election year of 2008. 3) Later in this report the Task Force recommends requiring that all ballots, except those from the military and out-of-state, must be received by the elections office no later than 8 p.m. on Election Day. This reform should be included in the vote-by-mail proposal. It, too, has a greater likelihood of succeeding—and of disenfranchising fewer voters—if tested in 2007 rather than 2006 or '08.

Finally, the Task Force believes that the conversion to this system will require a magnitude of change in the elections office's culture—its values, beliefs, attitudes and practices—that further justifies the hiring of an outside, independent consultant team to assist the management and staff in transforming that culture.

4. During recounts, place two election observers at or adjacent to counting stations.

During the manual recounting of votes cast in the 2004 gubernatorial election, King County kept election observers approximately twenty feet from the tables or stations at which the ballots were being recounted. The County did so in the interests of maintaining order in the room and of ensuring an accurate recount that would be viewed as credible by the candidates and the parties. But the Task Force found that King County's action contributed to perceptions that the recount was biased toward the Democrats and the outcome of King County's recount was inaccurate and unfair.

To increase the perception of fairness and public confidence in the highly visible recount process, the Task Force recommended that King County establish a manual election recount policy under which two election observers may sit at or stand next to the tables at which ballots are being recounted. To maintain control in the room in which ballots are being counted and to ensure an orderly, fair and accurate count of the ballots, King County should impose strict ground rules or protocols for election observers and all others who were in the room.

SIX-MONTH FINDINGS:

In 2005 King County Worked Effectively with Candidates to Agree on a Process for Recounting Votes in Close Elections.

According to County officials, the practice used in 2004 reflected the limited space in the facility in which the recount was conducted. By moving to a temporary annex near the King County Airport at Boeing Field, there is now sufficient space to allow for a process more similar to that which the Task Force recommended.

When recounts were needed in a close race during the 2005 primary election, the elections office worked with the two candidates to negotiate the process by which the recount would be conducted. The process met the interests of all parties, including the County, and the recount was conducted without any problems or challenges.

SIX-MONTH RECOMMENDATION:

Whatever Process is Used, It Must be Transparent, Understandable and Credible to the Public to Ensure the Final Result is Fair, Accurate and Accepted.

The Task Force concludes that the King County, working with political parties and candidates or their representatives, needs the flexibility to tailor the process of recounting votes in close elections to the specific circumstances of the situation. In situations where the parties involved cannot agree, the County should use the process recommended by the Task Force last July.

King County, the political parties and candidates should remember that in these unique situations the goal of restoring public trust and confidence in the County's elections system is at even greater risk. Thus, whatever the process used to recount votes, it needs to be transparent, understandable and credible to the public so that the final result is accepted as fair and accurate.

STATUTORY AND POLICY RECOMMENDATIONS TO THE GOVERNOR AND STATE LEGISLATURE

The Task Force found that some federal, state and county policy mandates create an external environment that significantly impedes the ability of the King County elections officials to conduct fair and equitable elections. While the Task Force was charged with addressing King County's elections process, we recommended five statewide statutory and policy changes that we believed are required to restore public confidence and trust in the elections process across Washington State. The Task Force strongly recommended that the King County Executive and Council allocate resources and champion these five changes in the way our state conducts elections.

5. Change the date of the primary election to the first Tuesday of June.

Washington State currently holds the second latest primary election in the nation. The close proximity of our primary and general elections is unfair to elections officials and to military and overseas voters. It puts unfair pressure on elections officials following the primary to print and mail general election absentee ballots in time to guarantee the voters' right to vote, and its unfair to military and oversees voters because they may not receive ballots in a timely manner. If a primary contest is extremely close and requires a recount, there is not enough time to conduct the general election absentee voting process.

SIX-MONTH FINDINGS:

The Legislature Deserves Credit for Moving the Primary Election to August.

To date in the 2006 legislative session the Senate has passed a bill changing the date of the primary election to the third Tuesday of August. Because the House of Representatives voted 98-1 in favor of a similar bill in 2005 and almost certainly will do so again, this change is expected to become law and go into effect in 2007.

As the Task Force recommended, the Executive and Council made changing the date of the primary election to June the County's #1 legislative priority for elections in the 2006 session. (It had also been one of the County's legislative priorities for the 2005 session.) Executive Sims met with the Speaker of the House and the Senate Majority Leader to advocate this position. Early in the legislative session King County joined the consensus of the Washington State Association of County Auditors, the Secretary of State's Office, legislative leaders and good government advocates favoring the August primary election date when it became apparent that the State Legislature supported moving the primary to August but not to June.

SIX-MONTH RECOMMENDATION:

King County should Continue Leading the Effort to Move the Primary Election Date to June.

The Task Force concludes that the State Legislature is on the right course in moving the primary election from September to August. We understand and sympathize with the political issues and considerations that are part of this decision. We also appreciate and applaud King County's role in helping convince legislators to make this change.

But moving the primary to early June would be even more helpful to state and county elections administrators. An early summer primary need not increase the costs of campaigns nor tilt the political "playing field" unfairly against incumbents. As we did last July, the Task Force recommends that the State Legislature find solutions that achieve the public's interests in fair, accurate and accountable elections and in preventing the appearance that lobbyists or special interest groups can improperly influence the legislative process by donating campaign funds during the legislative session. Solutions could include reducing the dates of the "freeze" period in which legislators are forbidden from raising and accepting campaign contributions, changing the campaign contribution limits for all candidates during the legislative session or imposing limits on certain contributions but allowing others during the legislative session.

We recommend that King County work with others who are interested in the June primary election date, including the Secretary of State's Office and the Washington State Association of County Auditors, to eventually convince the State Legislature to change the date of the primary election to early June.

6. Reduce from six to four the number of elections held in Washington State during the calendar year.

By law there are six election dates each calendar year in Washington, usually in February, March, April, May, September and November. The Task Force found that the constant stream of elections creates problems for elections administrators who are certifying the results of one election while mailing ballots to voters and performing the myriad of duties to conduct the next. This situation gives them no "breathing room" to ensure each election is conducted accurately and fairly. It also results in almost non-

stop campaigning in many communities; a factor that appears to cause "voter burnout" and the perception that campaigning is more important or valued than governing.

Holding fewer elections in the "off-season" provides an important opportunity for local elections officials to conduct training and implement new processes and technology. Accordingly, the Task Force recommended that the State Legislature pass and the Governor sign legislation to reduce the number of elections in Washington from six to four and that they be held in February, April, June and November.

SIX-MONTH FINDINGS:

The Executive Supports the Task Force's Recommendation but Key Stakeholders and Legislators Need to be Brought On Board.

The County Executive supports the Task Force's recommendation, but apparently there is little support for it among legislators in Olympia. County lobbyists report that changing the primary election date was the elections reform issue of the 2006 legislative session. The concept of reducing the number of elections in a year was purposefully kept out of the proposed legislation so to not jeopardize the opportunity to enact the primary election date change.

The Task Force finds that there are compelling reasons to reduce the number of elections held each year from six to four. In addition to the reasons listed above, the experiences of jurisdictions in Oregon and elsewhere have proven that fewer elections produce higher voter turnouts.

The Task Force's recommendation remains on King County's elections reform "radar screen." In the future King County intends to work with interested and affected parties, particularly the representatives of junior taxing districts (School and Fire Districts) to determine if their interests can be achieved by the State adopting this reform in our statewide elections process.

SIX-MONTH RECOMMENDATION:

King County Should Continue to Work with Stakeholders and the Legislature to Reduce the Number of Elections Held Each Year from Six to Four.

The Task Force encourages King County to take the lead in working with special purpose districts, particularly School Districts, to agree on solutions that will reduce the number of elections each year while achieving the needs and goals of the interested and/or affected parties. Once those solutions have been agreed on at the local level, the County should work with its partners across the state to convince the State Legislature to make this change that will reduce costs, increase voter participation and improve the conduct of elections.

7. Simplify the process of restoring voting rights for former felons.

In its recommendations to the County Executive last summer, the Task Force proposed that the State Legislature pass and Governor approve legislation to simplify the process of restoring voting rights for former felons. Specifically, the Task Force recommended that the voting rights of former felons be automatically reinstated upon release from incarceration.

One of the perceptions that most contributed to a public sentiment that the 2004 gubernatorial election was illegitimate and unfair was a perception that votes cast illegally by ex-felons tilted the outcome of the race. While evidence presented in the Chelan County election contest trial showed that some 1700 former

felons voted without having had their civil rights lawfully restored, there was no finding by the court that these votes changed the outcome.

Washington State has one of the nation's most complex processes for reestablishing the voting rights of ex-felons. Thirty-four states, including neighboring Oregon, Idaho, Utah and many Western states, automatically reinstate the civil rights of former felons.

The Task Force found that simplifying the civil rights restoration process will reduce costs to the state, enhance the fairness of elections and ultimately increase public confidence in the process. What is not widely known among the public is that most ex-felons leave the state in which they were incarcerated upon their release from prison. Under existing statute former felons who served in prisons outside Washington and have had their civil rights automatically restored upon release may move here and legally vote. Under identical conditions, however, former felons who are Washington residents cannot vote.

Given the wide disparities among the voter restoration laws of the various states, it would be prohibitively costly for our state to determine whether or not each former felon who served in prison outside our state but now resides here is eligible to vote. The alternative of requiring all registered voters to undergo a criminal background check would also be expensive to implement and would raises serious, unacceptable civil liberty concerns.

Last July the Task Force recommended that the State Legislature pass and Governor approve legislation that would simplify the process of restoring voting rights for former felons. Specifically, the Task Force recommended that the voting rights of former felons be automatically reinstated upon release from incarceration.

SIX-MONTH FINDINGS:

Creating a Clear, Bright Line will Prevent Future Perceptions that Former Felons Decided the Outcome of a Close Election.

While this proposal is part of King County's legislative agenda for the 2006 session, and legislation has been proposed to more easily restore the voting rights of former felons, there does not appear to be any enthusiasm among legislators to discuss and debate the issue. The proposed legislation is not expected to pass out of committee and come to the floor of the House or Senate for debate this year.

But the Task Force finds that the widespread public perception still lingers that the illegally cast votes of ex-felons swung the 2004 gubernatorial election to Governor Gregoire.

In addition, the Task Force has learned that under existing law, the Secretary of State's Office will soon begin contacting thousands of Washington residents to inform them that their voting rights will be reviewed in public hearings as the state considers whether they are ex-felons and thus should have their voting rights denied. The cost and workload to the State of Washington to conduct thousands of hearings is overwhelming and almost unimaginable. The irony of this is that former felons who moved here and became Washington State residents after being released from prisons in other states will still be able to vote. There are neither the resources nor the database available to our elections administrators to identify them as former felons who should be held to the same standards of accountability.

A clear, bright line must be drawn to distinguish who is eligible to vote and who is not. State and local elections administrators need the capacity to ensure that only those who are eligible to vote do so. Under current law, there is no such clear, bright line and no such capacity.

SIX-MONTH RECOMMENDATION:

King County should Build a Broad Coalition to Convince the State Legislature to Automatically Restore the Voting Rights of Former Felons.

The Task Force believes that the arguments it heard and considered last year, which are summarized above in paragraphs copied from its 27 July 2005 report, continue to constitute a compelling case for simplifying the restoration of voting rights for former felons.

To prevent future situations similar to the widespread public perception that a large number of ex-felons voted illegally and determined the outcome of the 2004 gubernatorial election, the Task Force strongly recommends that our state join the great majority of states throughout the nation in automatically restoring the voting rights of people when they are released from prison. Simplifying the process of restoring voting rights for former felons will not only help restore public trust and confidence in the elections system, it will save taxpayer dollars, integrate ex-felons into society by giving them a voice in decisions affecting their communities, ensure that former felons who served in Washington prisons are treated the same as those who served in other states but moved here after their release from prison, and help preserve the civil rights and right to privacy of all Washington voters.

Because this issue appears politically risky for state legislators, the Task Force recommends that a grassroots coalition be constructed to demonstrate to them that there is broad support for this reform. We urge King County to play a leading role in building that coalition.

8. Provide that when a recount is necessary, conduct only one and require it be conducted by hand.

Following the extremely close 2004 gubernatorial race, two recounts were conducted. The first machine recount was followed by a manual recount that was funded by a political party; the manual recount reversed the results from prior counts. Because the final outcome of the race changed as a result of the second recount, the Task Force found lingering public perceptions that: 1) the switch in methods from machine to manual recounting made the outcome more suspect rather than more accurate; 2) political parties pay for an election recount so that the election outcome is more likely to satisfy and benefit the party that paid for it; and 3) the longer it takes to determine the winner of a race, the more likely it is that the final outcome is neither reliable nor credible.

In evaluating costs and benefits of machine or manual recounts the Task Force noted that Washington State is a voter intent state. As such, eliminating the manual recount process could disfranchise a significant amount of voters who cast otherwise valid votes that could not be read by a machine. In response to these perceptions, the Task Force recommended that the State Legislature pass and the Governor approve legislation to change Washington's system for recounting votes following extremely close elections. The Task Force recommended that whenever the margin of difference between two candidates for statewide elected position is less than 1000 votes or less than one-quarter of one percent, only one manual recount should be conducted at public expense.

SIX-MONTH FINDINGS:

King County was Actively Involved in Advocating for This Change.

King County was actively involved with the Washington State Association of Auditors, the Secretary of State's Office and legislative leaders in championing proposed legislation that is very similar to the Task Force's recommendation. A proposal was defeated in a legislative committee in mid-February, so the issue is not likely to be addressed by the State Legislature this year.

SIX-MONTH RECOMMENDATION:

King County should Champion the Proposal to Reduce the Number of Recounts to One, and to Conduct It By Hand.

The Task Force continues to believe that for the reasons stated above, making this change in our election system is necessary. We urge King County to keep this proposal at the top of its legislative agenda and work with key stakeholders, including the Secretary of State and the Washington State Association of County Auditors, to secure passage by the State Legislature of legislation that mandates one manual recount of the votes when a recount is required.

9. Require that state and county elections officials receive all ballots by eight o'clock on election night, except military and out-of state voters.

The Task Force recommended that the State Legislature pass and the Governor approve legislation requiring that all mail ballots, except out-of-state, military and oversees ballots, must be received by eight o'clock on election night. Postmarks or signature verification dates should be used to validate out-of-state, overseas and military ballots under federal guidelines.

The Task Force strongly recommended this change in the time by which ballots must be received because it is crucial to establishing a credible vote-by-mail system. A factor in the public perception that the 2004 gubernatorial election was fraudulent was that absentee ballots were "floating around out there" and kept trickling in for days after the election. Thus, drawing a clear, bright line regarding when ballots must be received and when they will be counted will help restore public trust and confidence in the outcomes of our elections and in the elections system itself.

SIX-MONTH FINDINGS:

King County Made a Strategic Decision to Not Include This Change in Its Vote-By-Mail Proposal.

King County made a conscious choice to not include this proposal in its newly proposed vote-by-mail system. In Olympia this proposal is controversial and does not appear to have much support among legislators.

Executive Sims chose not to include the provision in the County's vote-by-mail proposal because he and his staff anticipate that the transition to this new system will not be easy for all voters. Too many changes all at once could trigger voter resistance to the new system and possibly disenfranchise those who make the effort to vote but do not mail their ballots until Election Day.

King County is already contemplating an intense voter education campaign to accompany the transition to the vote-by-mail system. As the electorate becomes more familiar and comfortable with voting by mail, the County may begin urging voters to mail their ballots in time to be received by Election Day so that their expectation that the results of even close elections will be announced that evening can be achieved. After a transition period in which the voters become more used to voting by mail, King County is more likely to urge the State Legislature to enact the Task Force's recommendation.

SIX-MONTH RECOMMENDATION:

This Change will Help Restore Public Trust in the Elections System and should be Implemented Simultaneously with Vote-By-Mail.

The Task Force respects those who have expressed concerns that implementing this provision while simultaneously implementing a countywide vote-by-mail system could disenfranchise voters. That is a legitimate concern. But the Task Force finds that implementing a series of changes at one time is usually more successful than implementing changes incrementally. While it may seem counterintuitive, people respond better to big changes than to small-scale changes that are introduced over time. One reason is that people become fatigued with change when it appears constant and unending.

Next year will be a rare opportunity for King County to package a series of elections reforms under the umbrella of the vote-by-mail system. Requiring that all ballots except those of military and out-of-state voters must be received by 8 p.m. should be part of the reform package. With no statewide or countywide elections, it will be less risky to implement these changes in 2007 because next year's elections will be neither as complex nor as large-scale as presidential, gubernatorial or senatorial elections—and years in which one or more of those three campaigns are on the ballot.

Furthermore, it should be easier in 2007 to educate the voters about why these reforms benefit the public interest and how they work. With no television or radio political commercials, no newspaper advertisements and no mailings for candidates running for federal or state office, it should be easier to capture the public's attention and introduce them to the new system and all its components. In the past three years both the state and county have cleverly and creatively educated voters about changes in the process of selecting candidates in the primary election for the general. We trust that they can again capture the public imagination and help lead voters to correctly operate their part of the electoral process.

Finally, we note that the success of implementing the vote-by-mail system and requirement that all ballots must be received by 8 p.m. on Election Day except those from military and out-of-state voters will partly depend on placing drop-off boxes around the County so that voters may deposit their ballots in them on Election Day. Making these boxes available to voters will be particularly important for reducing the number of voters who are disenfranchised in the first few years when the system is introduced and instituted.

PUBLIC ENGAGEMENT RECOMMENDATIONS TO THE KING COUNTY EXECUTIVE

The Task Force anchored all its deliberations on the powerful ideal that every vote does indeed count. This ideal is at the heart of America's democracy, and must be restored and sustained for the people of King County and all the citizens of the state. All our recommendations were guided by a commitment to achieving that ideal and upholding the public trust. The Task Force's goal throughout its process in 2005 was to restore public trust and confidence in King County's elections system.

All the recommendations require change. Many have generated controversy. For these reasons we also recommended that King County launch a concerted effort to genuinely and creatively involve the public

in discussions about these recommendations and in developing strategies to achieve them. The public must include a wide variety of citizens. Regional, community and neighborhood conversations about these recommendations should have as a goal helping bring disillusioned ex-voters back into the political process while inspiring new voters, especially young people, to exercise the most precious right that our democracy offers, the right to vote. A higher percentage of politically educated, committed, involved and

voting citizens would truly define King County in the nation's awareness as a role model for election reform.

To achieve that goal, the Task Force made the following recommendations for engaging our fellow citizens in robust and spirited discussions about how to achieve the recommendations included in this report:

- 10. Committed leadership: King County leadership must be committed to addressing the public's concerns and perceptions about the elections system. The public will respect and honor candor in acknowledging problems and challenges.
- 11. Proactive leadership: The King County Executive must take an active role in and be held accountable for fixing the problems that will restore public trust and confidence in the system.
- 12. Broad-based participation in solutions: The King County Executive must engage a bi-partisan cross-section of citizens to work with the County to achieve election reform.
- 13. Champion elections reform: The elections director must be committed to these recommendations as the "road map" for elections reform. Like a fire marshal who promotes fire safety through education and motivation, the elections director must be a champion for using these recommendations. Not "put out the fires," but to engage King County, the citizens, and key constituents in anticipating and preventing future ones.
- 14. Develop a communication plan: King County must develop and implement a communications plan that contains, among its elements, clear goals and actions that will improve the elections system. This plan must also define expected outcomes so that all interested parties, including King County, can monitor and evaluate progress in achieving the goals, and strategies for communicating that progress publicly.
- 15. Sustained effort: Given that some of the Task Force's recommendations are likely to be controversial, the County must also embark on a broad education effort for citizens, local elected officials, the State Legislature, political parties, and other key stakeholders such as business, labor, education, civic groups and the media.

SIX-MONTH FINDINGS:

Proactive Leadership and a Sustained Effort are More Needed Now Than Ever.

Based on the Task Force's most recent findings and deliberations, the Task Force concludes that REALS has made a promising start in improving the technical operations of the elections system and the culture of the agency. The agency is on the right track to improve its performance. But much more needs to be done.

The Task Force is deeply concerned that King County's elected officials are not moving with a greater sense of urgency to fix the problems that four independent groups and the REALS management and staff have identified. With a statewide campaign for a United States Senate seat this November, and the possibility that that race could be very close, public trust and confidence in the County's elections system is once again at risk. We cannot afford the kinds of errors and perceptions that were part of the recount of votes in the 2004 Governor's race—and which linger more than a year later.

Therefore, we are perplexed about why the Executive and Council are not working together with a keen sense of urgency to agree on a funding package that will reengage Waldron & Company, the outside, independent consulting team that was hired after a national search to assist in transforming the election office's culture. In its initial, brief engagement with the management and staff of the office, the Waldron team demonstrated great skill in gaining the employees' confidence, summarizing over two hundred recommendations, defining what it sees as the current major challenges facing the office, and beginning to partner with the employees to launch a program that will improve and strengthen the organizational culture.

Last July we called for leadership and a sustained effort to transform the elections office's culture so that its performance could improve and it could regain the public's trust and confidence. On such issues as vote-by-mail, the County Executive and some Council members have demonstrated leadership and a long-term commitment. The County can also take pride in its role in convincing the State Legislature to change the date of the primary election.

But transforming the culture of the elections office remains the most important and vital strategy for improving the office's performance and thereby restoring public trust and confidence in King County's elections system. On this issue we are disappointed in the lack of leadership from the County's elected officials. Because there is such great urgency in moving ahead on this front, more should have been accomplished by now. The achievements to date have resulted from the election director's own efforts and the preliminary guidance of Waldron & Company. But a far-reaching, strategic business plan is needed, one that defines specific outcomes, the timelines for accomplishing them, and the roles of management, staff and the key stakeholders. The development of this plan appears to have been delayed by bickering and hand wringing.

SIX-MONTH RECOMMENDATIONS:

The Executive and Council Need to Unite to Provide Leadership and to Support a Sustained Effort to Fix the Elections System.

The time is now for the Executive and Council to jointly move forward to provide the resources needed to transform the culture of the elections office so that the public's trust and confidence in the County's elections system can be reearned.

King County Citizens should Demand Solutions and Remain Engaged in Helping Develop and Implement Them.

Dean Logan and his staff deserve praise for engaging a wide variety of stakeholders and citizens-at-large in analyzing the elections system and developing solutions to the problems they have identified.

But the history of the past six years, and a lesson of the past few months as our elected officials have not moved quickly enough to address the fundamental issue of fixing the elections office's culture, strongly indicate that we, the citizens of King County, cannot afford to be complacent. We need to do our part to ensure that the system is fixed. As we learn about political or bureaucratic excuses for not fixing the problems, we need to clearly and loudly voice our opinion that delay is not acceptable. We must let our elected officials know that we are interested in solutions and outcomes that achieve the public interest.